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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,072	03/30/2004	Dwight D. Poplin	10030850-1	5491

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EXAMINER

LIVEDALEN, BRIAN J

ART UNIT PAPER NUMBER

2878

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,072

Applicant(s)

POPLIN, DWIGHT D.

Examiner

Brian J. Livedalen

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5-11, 13-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Funston et al. (6870567).

In regard to claims 1, 3, 5-11, 13-18, and 20, Funston discloses (figs. 10-13) a device and method of operating including a camera module (24, 262), and I/O system that can be a display (36); and a controller (26, 268) connected to the camera module and the I/O system, wherein the controller sets lighting of the I/O system in response to a signal from the camera module indicating an ambient light level (column 21, lines 54-65). Funston further discloses operating the camera module to create a digital image, and displaying the digital image on the display. Funston further discloses (fig. 21) a camera module having an array of pixel sensors and the signal from the camera indicates an intensity measured by one of the pixels (column 11, lines 5-37). The pixels having an array of color filters, one being green (column 9, lines 37-43, column 24, lines 51-65). Funston further discloses a dedicated ambient light sensor (174) (column 4, lines 49-53). The ambient light sensor is made up of separate photo diodes (174) having respected red, green, and blue filters (184) covering each photo diode (column 15, line 67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberle et al. (EP 1227642 A1) in view of Hsish et al. (US 2003/0146372).

In regard to claims 1 and 11, Eberle discloses (fig. 1a) a device and method of operating including an ambient light sensor (11), and I/O system that can be a display (6); and a controller (fig. 6, 23) connected to the light sensor and the I/O system, wherein the controller sets lighting of the I/O system in response to a signal from the ambient light sensor indicating an ambient light level (page 2 paragraphs 0007-0011). Eberle remains silent regarding the ambient light sensor being in a camera module. However, Hsish discloses (fig. 1a) a phone with a display and keypad that has a camera module (4a). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the camera module of Hsish to the ambient light-sensing device of Eberle in order to increase function by allowing the phone to also obtain digital images.

In regards to claims 2, 4, and 12, Eberle in view of Hsish discloses (Eberle, fig.1a) that the I/O includes a lighted keypad (5), and the controller sets the lighting of the keypad in response to the signal from the camera module and that the controller can turn off the lighting in response to a high intensity signal (page 2 paragraph 0008).

Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Funston et al (6870567).

In regard to claim 19, Funston discloses (fig. 21) a camera and a dedicated ambient light sensor (174). Funston remains silent regarding the ambient light sensor array of pixel sensors are on the same semiconductor chip. However, integrating parts is of routine skill in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate the ambient light sensor and the array of pixels in order to make the device more compact.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Livedalen whose telephone number is (571) 272-2715. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2878

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bjl



DAVID PORTA
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